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PTO/SB/83 (01-06)

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**REQUEST FOR WITHDRAWAL  
AS ATTORNEY OR AGENT  
AND CHANGE OF  
CORRESPONDENCE ADDRESS**

Application Number	09/899,425
Filing Date	July 5, 2001
First Named Inventor	John J. Larkin
Art Unit	3626
Examiner Name	GOTTSCALK, Martin A.
Attorney Docket Number	NPA 2 0002

**To: Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

Please withdraw me as attorney or agent for the above identified patent application, and

- ☒ all the attorneys/agents of record.
- ☐ the attorneys/agents (with registration numbers) listed on the attached paper(s), or
- ☐ the attorneys/agents associated with Customer Number

NOTE: This box can only be checked when the power of attorney of record in the application is to all the practitioners associated with a customer number.

The reasons for this request are: **Attached.**

**Applicant has more than sixty (60) days to respond**

**CORRESPONDENCE ADDRESS**

1. ☐ The correspondence address is NOT affected by this withdrawal.
2. ☒ Change the correspondence address and direct all future correspondence to: **Below**

☐ The address associated with Customer Number:

**OR**

<input checked="" type="checkbox"/> Firm or Individual Name	Nupath Solutions, Ltd.				
Address	2967 Nationwide Parkway				
City	Brunswick	State	OH	Zip	44212
Country	US				
Telephone				Email	
Signature	<i>Patrick R. Roche</i>				
Name	Patrick R. Roche			Registration No.	29,580
Date	April 24, 2006			Telephone No.	216.861.5582

NOTE: Withdrawal is effective when approved rather than when received. Unless there are at least 30 days between approval of withdrawal and the expiration date of a time period for response or possible extension period, the request to withdraw is normally disapproved.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

APPLICANT(S) : John J. Larkin, et al.  
TITLE : METHOD FOR CLAIMS MANAGEMENT OF  
WORKPLACE-RELATED INJURIES  
APPLICATION NO. : 09/899,425  
FILED : July 5, 2001  
CONFIRMATION NO. : 3355  
EXAMINER : GOTTSCHALK, Martin A  
ART UNIT : 3626  
LAST OFFICE ACTION : January 18, 2006  
ATTORNEY DOCKET NO. : NPA 2 00002

**ATTACHMENT TO  
REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT**

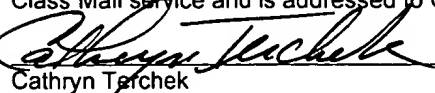
MAIL STOP AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The attorneys/agents of record of the subject application request withdrawal for not receiving any cooperation or instructions for the continued prosecution of the application. In addition, the attorneys/agents are long overdue payment for the services of the preparation and filing of the application.

**CERTIFICATE OF FIRST CLASS MAILING**

I hereby certify that this paper and/or fee is being deposited with the United States Postal Service as First Class Mail service and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Cathryn Terchek

Date: 

Concerning the failure of the applicant to communicate with the attorneys/agents of record, attached as Exhibit A is a copy of the certified mail letter dated February 9, 2006 which accompanied the report of the Office Action mailed January 18, 2006. The letter was addressed to the CEO of the assignee of the subject application, who is also one of the co-inventors, Mr. Donald Seddon. Mr. Seddon signed for receipt of the certified mail letter and package on February 11, 2006 (Exhibit B). The letter advised Mr. Seddon that in order to proceed it would be very important that the inventors review the Examiner's comments and the references and provide a suggestion to the attorneys/agents for an appropriate response. No response or instructions were ever received from the applicant. Thereafter a voicemail message was left with Mr. Donald Seddon on March 28, 2006 further requesting instructions, and another voice mail message was left with another co-inventor, Tom Seddon, on April 17, 2006.

Exhibit C is a copy of another certified mail letter, mailed on April 18, 2006, advising the applicant that failure to respond to our request for instructions would be considered by us as instruction to abandon the application. Mr. Donald Seddon signed for this certified mail letter on April 19, 2006 (Exhibit D). However, the applicant was further advised that with appropriate extension of time fees, a response could still be mailed up to three months after April 18, 2006.

Lastly, the attorneys/agents have not been paid by the applicant for the services in the preparation and filing of the subject application.

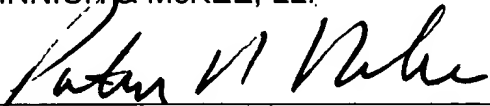
For all of the above reasons, it is essentially impossible for the presently empowered attorneys/agents of record of the subject application to continue to prosecute and represent the applicant.

Respectfully submitted,

FAY, SHARPE, FAGAN,  
MINNICH & MCKEE, LLP

Date

April 24, 2006

  
Patrick R. Roche, Reg. No. 29,580  
1100 Superior Avenue, Seventh Floor  
Cleveland, OH 44114-2579  
216-861-5582



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1959-2001

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February 9, 2006

Patrick R. Roche  
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Mr. Donald Seddon  
Nupath Solutions, Ltd.  
2967 Nationwide Parkway  
Brunswick, Ohio 44212

## Response to Office Action Due In U.S. Patent Office By: April 18, 2006

Re: U.S. Patent Application of Nupath Solutions (Cincinnati), Ltd.  
Title: METHOD FOR CASE MANAGEMENT  
OF WORKPLACE-RELATED INJURIES  
Inventors: John J. Larkin, et al.  
Ser. No.: 09/899,425; Filed: July 5, 2001  
Our Ref.: NPA 2 00002

Dear Don:

Attached for your review and consideration is an Office Action mailed from the U.S. Patent Office on January 18, 2006. Also enclosed are the references of record cited by the Examiner in support of the Office Action. I had left you a voice-mail message on this matter on January 26 and have not yet heard back from you.

We are sorry, but not surprised, to have to report that upon first review, the Examiner has failed to appreciate that any of the claims define patentable subject matter for the stated reasons that the claimed subject matter is either anticipated by or fails to define nonobvious subject matter over selected teachings drawn from the cited references.

Mr. Donald Seddon  
February 9, 2006  
Page 2

It is not unusual to receive a first Office Action rejecting the application and we now have an opportunity to respond by challenging the conclusions and arguments of the Examiner, and/or by amending our present claim definitions to better distinguish the subject invention over the teachings of the prior art references. In order to proceed, it is very important that the inventors review the Examiner's comments and the references, and provide to us suggestions for an appropriate response. The response is due by April 18, 2006.

It has been many years since we have heard from you on this project. Unfortunately, the Patent Office is considerably backed up for this type of subject matter and it is not unusual for such patent applications to take this long before receiving an initial Office Action. We still need your authorization and instructions to proceed. If you desire to do so, we will need to come to some accommodations on your long outstanding account.

After you have had an opportunity to review the subject material, we will appreciate hearing from you, preferably in a manner to facilitate the preparation of the response. Absent hearing from you in any way, we can only assume that you are no longer desirous of maintaining the pendency of this application. Without receiving a response at the U.S. Patent Office, the application will automatically expire, and without evidence of some very special circumstances, cannot be revived.

We look forward to hearing from you at your earliest convenience.

Very truly yours,

FAY, SHARPE, FAGAN,  
MINNICH & McKEE, LLP

  
Patrick R. Roche

PRR:ct  
Enclosures

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Mr. Donald Seddon  
Nupath Solutions, Ltd.  
2967 Nationwide Parkway  
Brunswick, Ohio 44212

2. Article Number

(Transfer from service label)

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- Agent
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- Addressee

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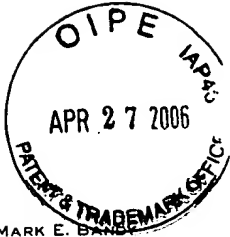
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ALBERT P. SHARPE, III  
1959-2001

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[deseddon@nupathtech.com](mailto:deseddon@nupathtech.com)

April 18, 2006

Patrick R. Roche  
[proche@faysharpe.com](mailto:proche@faysharpe.com)

Mr. Donald Seddon  
Nupath Solutions, Ltd.  
2967 Nationwide Parkway  
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## Response to Office Action Due In U.S. Patent Office By: April 18, 2006

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Title: METHOD FOR CASE MANAGEMENT  
OF WORKPLACE-RELATED INJURIES  
Inventors: John J. Larkin, et al.  
Ser. No.: 09/899,425; Filed: July 5, 2001  
Our Ref.: NPA 2 00002

Dear Don:

Further to my letter to you of February 9, 2006, we must assume that you have decided to abandon this patent application in accordance with the conditions outlined in our earlier letter. We need the assistance of you and/or the other co-inventors in order to prepare an appropriate response. The response is due in the Patent Office by April 18, 2006. In addition, I left a voice mail in your message box on March 28, 2006, and left another one in your brother Tom's message box on April 17, 2006.

We are very sorry and bewildered by your failure to provide any instructions whatsoever, the least of which should be to confirm the abandonment of the application. We believe that you were happy with the earlier work and that your company, at least what we can note from your website, appears to be viable.

Mr. Donald Seddon  
April 18, 2006  
Page 2

We will hold your file materials in our disposed and abandoned application files. If you would like them, please advise.

Lastly, if you should change your mind, three months of extensions of time are available at the Patent Office with the appropriate payment of the extension fees.

We look forward to hearing from you.

Very truly yours,

FAY, SHARPE, FAGAN,  
MINNICH & McKEE, LLP

A handwritten signature in black ink, appearing to read 'Pat', written over the printed name of Patrick R. Roche.

Patrick R. Roche

PRR:ct

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1. Article Addressed to:

Mr. Donald Seddon  
Nupath Solutions, Ltd.  
2967 Nationwide Parkway  
Brunswick, Ohio 44212

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B. Date of Delivery

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4. Restricted Delivery? (Extra Fee)

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